Application No.: 09/530,907

Office Action Dated: October 7, 2004

PATENT REPLY FILED UNDER EXPEDITED PROCEDURE PURSUANT TO

37 CFR § 1.116

REMARKS

Applicants address the examiner's remarks in the order presented in the Office Action

(dated October 7, 2004). All claim amendments are made without prejudice and do not

represent an acquiescence in any ground of rejection.

ADMINISTRATIVE MATTERS

Power of Attorney

Enclosed is an Assignee Power of Attorney, Change of Correspondence Address and

Certificate Under 37 C.F.R. §3.73(B) for filing in this application.

STATUS OF THE CLAIMS

Claims 1-24, 26-36, and 38-40 are pending in the application. Claims 2-4, 6-8, 11-16,

19-23, 25, 27, 28, and 37-68 are cancelled. Claims 8, 11-16, 2-23, and 38-40 were cancelled

as being direct to non-elected inventions. Claims 1, 5, 9, 10, 17, 24, 26, and 29-36 have been

amended. The language from cancelled claims 2-4 was incorporated into claim 1. The

amendments to claims 5, 9, 10, 17, 24, 26, 29-36 correct typographical errors. New claims

69 and 70 incorporate cancelled language from amended claim 31. Claim amendments are

for purposes of improved clarity or consistency of claim language unless otherwise noted.

No claim amendment should be construed as an acquiescence in any ground of rejection. No

new matter has been added by this amendment.

Claims 2-4 stand objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims. Claims 27 and 28 stand objected to for depending

from canceled claim 25.

Page 5 of 8

Application No.: 09/530,907

Office Action Dated: October 7, 2004

PATENT REPLY FILED UNDER EXPEDITED PROCEDURE PURSUANT TO

37 CFR § 1.116

The rejections of claims 1, 26 and 31 were withdrawn in view of Applicants'

amendments filed in the July 26, 2004 Reply. The rejection of claim 31 under 35 U.S.C. §

112, first paragraph, for lacking written description, was withdrawn in view of applicant's

amendments and arguments filed in the July 26, 2004 Reply.

Claims 6, 7, 17-19, 26-28, and 31 stand rejected under 35 U.S.C. § 112, second

paragraph, as being indefinite. The rejections of claims 6, 17-19, 27 and 28 over 35 U.S.C. §

112, second paragraph as being indefinite, made the March 24, 2004 Office Action, were also

maintained.

Claims 1, 5-7, 9, 10, 17, 24, 26, 29, 30, and 32-36 stand rejected under 35 U.S.C. §

102(b) as being anticipated by Lemer et al. (U.S. 5,601,992). This rejection was maintained

for the reasons of record as set forth in the March 24, 2004 Office Action.

OBJECTIONS

Claims 2-4 were objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims. Claims 27 and 28 stand objected to for depending from

cancelled claim 25.

Applicants have amended claim 1, incorporating all of the limitations of the base

claim and any intervening claim into claim 1 as suggested by the examiner. Claim 1 was

amended for greater clarity and consistency of claim language. Applicants have cancelled

claim 27 and 28 because they depended from cancelled claim 25. Applicants respectfully

request reconsideration of claims 1, 27, and 28 as amended.

Page 6 of 8

Application No.: 09/530,907

Office Action Dated: October 7, 2004

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO

37 CFR § 1.116

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 6, 7, 17-19, 26-28, and 31 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In addition, the rejections of claims 6, 17-19, 27 and

28 over 35 U.S.C. § 112, second paragraph as allegedly being indefinite, made the March 24,

2004 Office Action, were also maintained.

Applicants have cancelled claims 6, 7, 18, 19, 26, 27, and 28 without prejudice. The

phrase "such as" was deleted from claim 31. Applicants amended claim 31 for greater clarity

and consistency of claim language. Applicants respectfully request reconsideration of claims

1, 27, and 28 as amended. Therefore, Applicants ask that the rejection of claims 6, 7, 17-19,

26-28, and 31 be withdrawn in view of the amendments to the claims.

REJECTIONS UNDER 35 U.S.C. § 102(B)

Claims 1, 5-7, 9, 10, 17, 24, 26, 29, 30, and 32-36 were rejected under 35 U.S.C. §

102(b) as allegedly being anticipated by Lemer et al. (U.S. 5,601,992). This rejection was

maintained for the reasons of record as set forth in the March 24, 2004 Office Action. This

rejection is overcome in part by amendment to the claims and in part is traversed as discussed

below. Applicants note that the examiner stated the claims 2-4 were free of the prior art. As

indicated above, Applicants have amended claim 1 for greater clarity and consistency of

claim language, incorporating all of the limitations of the base claim and any intervening

claims into claim 1 as suggested by the examiner. More specifically, Applicants incorporated

the language of claims 2-4 into claim 1.

Applicants submit that amended claim 1 is not anticipated by Lerner et al. Similarly,

all claims depending from amended claim 1 are likewise not anticipated by Lerner et al.

Therefore claims 5, 9, 10, 24, 26, 29, 30, and 32-26 are also not anticipated by Lerner et al.

Page 7 of 8

Application No.: 09/530,907

Office Action Dated: October 7, 2004

PATENT REPLY FILED UNDER EXPEDITED PROCEDURE PURSUANT TO 37 CFR § 1.116

Claims 6, 7, and 17 were cancelled. Therefore the rejection of claims 6, 7 and 17

under 35 U.S.C. § 102(b) as allegedly being anticipated by Lemer et al. (U.S. 5,601,992) has

been mooted by cancellation of these claims. Independent claim 1 was amended as discussed

in detail above. Any claims depending from an independent claim include all of the

independent claim limitations. Thus, if an independent claim is not found to be anticipated

by a reference, then all of the claims which depend from that independent claim also cannot

be anticipated by the same reference.

Without acceding to the propriety of the rejection of pending claims 1, 5, 9, 10, 24,

26, 29, 30, and 32-26 under 35 U.S.C. § 102(b) as allegedly being anticipated by Lemer et al.

(U.S. 5,601,992), Applicants respectfully request reconsideration of the claims as amended.

For these reasons, Applicants request the examiner to withdraw the rejection of pending

claims 1, 5, 9, 10, 24, 26, 29, 30, and 32-26 under 35 U.S.C. § 102(b).

The foregoing represents a bona fide attempt to advance the present case to

allowance. Applicants submit that this application is now in condition for allowance.

Accordingly, an indication of allowability and an early Notice of Allowance are

respectfully requested. If the Examiner believes that a telephone conference would expedite

prosecution of this application, please telephone the undersigned at 206-332-1380.

Date: March 21, 2005

Andrew T. Serafini

Registration No. 41,303

Woodcock Washburn LLP One Liberty Place - 46th Floor

Philadelphia PA 19103

Telephone: (215) 568-3100

Facsimile: (215) 568-3439

372622